



**State of New Hampshire**  
**DEPARTMENT OF ENVIRONMENTAL SERVICES**

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095  
(603) 271-2457 FAX (603) 271-7894



Sally Royal  
Royal Crest Motel  
96 Ashworth Ave.  
Hampton, New Hampshire 03842

LETTER OF DEFICIENCY  
WMB PBF 02-48  
August 8, 2002

Dear Ms. Royal

The Department of Environmental Services, Water Division ("DES") is required by RSA 485-A:26 to operate a program to ensure the health and safety of the public when using public bathing facilities such as pools and spas. To implement this program, DES has adopted administrative rules Env-Ws 1101-1105 to specify the design, operation, and maintenance requirements for public bathing facilities. DES reviews applications for new public bathing facilities and also inspects and tests the water in existing public bathing facilities to ensure that applicable requirements are being met.

On August 6, 2002, DES inspected the pool at the Royal Crest Motel in Hampton, NH ("the Pool"). During this inspection the following deficiencies were noted:

A recommendation to close and drain the Pool was issued on August 6, 2002. The inspection on August 6, 2002 revealed that the Pool was in violation of Env-Ws 1103.14 and unsafe for public use. The following bacterial violation was observed in the Pool water on August 6, 2002:

(a) Pursuant to Env-Ws 1103.14(a)(2) the maximum allowable Heterotrophic Plate Count (HPC) in public bathing facility water is five hundred colony-forming units per one milliliter (500 cfu/mL). The Pool water contained greater than 50,000 cfu/mL.

2. Env-Ws 1103.15(c) requires a free residual chlorine concentration between 1.0 mg/L and 3.0 mg/L in public pool water. The free chlorine residual of the Pool water was less than 0.1 mg/L on August 6, 2002.
3. Pursuant to Env-Ws 1103.15(a), disinfection of pool water shall be achieved by positive displacement pump type unit providing hypochlorination or by an erosion unit using either hypochlorite or bromine tablets with control of the erosion rate. The Pool is currently being disinfected by hand feeding. The Pool is not using hypo-chlorite or bromine as the disinfectant.
4. Env-Ws 1104.01 requires the operator to test public bathing facility water for disinfectant residual, pH, and temperature prior to use of a public bathing facility and every 4 hours during operation, to record test results on a dated daily log sheet, and to maintain operational records for the previous twelve months and make these records available to DES and patrons of the public bathing facility upon request. No written records were available at the time of the inspection relative to the required testing of the Pool water.
5. Env-Ws 1104.04(a) requires the following safety device to be present at all public pools: (1) a light, strong pole not less than 12 feet long, including a body hook. This safety device was not present at the Pool at the time of inspection.
6. Pursuant to Env-Ws 1103.11, all outdoor swimming pools shall have a wall, fence or other enclosure constructed around the entire pool or recreational area, which shall include self-closing and self-latching gates and shall be a minimum of 4 feet high measured on the inside and outside. The enclosure surrounding the Pool does not include self-closing and latching gates. The enclosure surrounding the Pool is not 4 feet high.
7. Pursuant to Env-Ws 1104.03(b), the operator shall be responsible for posting conspicuously displayed signs informing patrons of the DES rules relative to patron responsibilities (enclosed copy) and any other safety rules developed by the bathing facility management. Patron rules were not posted at the Pool at the time of the inspection.

8. Pursuant to Env-Ws 1104.03(c), signs shall provide the location of the nearest telephone. The location of the nearest telephone was not posted at the Pool at the time of the inspection.
9. Env-Ws 1105.01(k)(19) requires pool filtration systems to include a flow meter. The filtration system for the Pool did not include a flow meter.
10. Env-Ws 1103.11 (e) requires the deck area to slope ¼ inch per foot away from the pool. The deck area pitches towards the Pool.
11. Pursuant to RSA 485-A:26, no person shall install, operate or maintain an artificial swimming pool or bathing place open to and used by the public, or as part of a business venture, unless the construction, design and physical specifications of such pool or bathing place shall have received prior approval by the division. A public bathing facility is defined as a swimming pool, spa or special recreation pool operated for any municipality, governmental subdivision, public or private corporation, partnership, association or educational institution open to the public, members or students, whether on a fee or free basis, together with buildings and equipment. This includes, but is not limited to, town public bathing facilities, public bathing facilities at hotels, motels, health facilities, water parks, condominium complexes, apartment complexes and public campgrounds. DES does not have any record of design approval for the Pool located at the Royal Crest Motel, Hampton, NH.

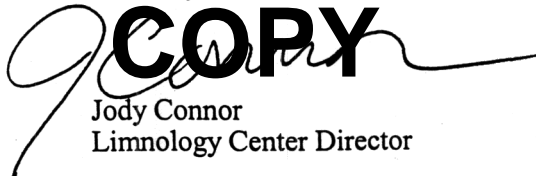
A report outlining how compliance will be achieved with the cited deficiencies should be submitted to DES within 30 calendar days from receipt of this letter. The report should include the following:

1. A copy of two weeks of water quality test results for all facilities (please do not send originals).
2. The type, manufacture, and model of the chlorine feeder to be installed.
3. The type, manufacture, and model of the flow meter to be installed.
4. A completed application for the unapproved Pool.
5. A timetable of when:
  - a. the safety items will be in place,
  - b. the depth will be marked,
  - c. patron rules will be posted,
  - d. the installation of the fencing will be completed,
  - e. the installation of the chlorine feeder will be completed, and
  - f. the installation of the flow meter will be completed.

DES personnel will conduct another inspection at a later date to determine whether you have come into, and are maintaining, full compliance with RSA 485-A:26 and Env-Ws 1101-1105. After a violation of Env-Ws 1103.14, the facility will be required to pass two inspection in the following months. In the event that compliance is not achieved, DES may take further action, including seeking an administrative fine up to \$2,000 for each offense or referring the case to the NH Attorney General's Office for judicial action.

We appreciate your cooperation in this matter. Please contact Amy Wilson at (603) 271-7108 if you have any questions regarding this letter. Copies of Env-Ws 1101-1105 are available through the DES Public Information Center at (603) 271-2975 or via the Internet at <http://www.des.state.nh.us/pools/env1100.pdf>.

Sincerely,

 **COPY**  
Jody Connor  
Limnology Center Director

enclosures

cc: Mark Harbaugh, Enforcement Attorney, DES ✓  
Russell A. Nylander, P.E., Chief Engineer, WD/DES  
Amy Wilson, Public Bathing Facility Coordinator, DES  
Kevin Schultz, Health Officer, Town of Hampton  
Ken Austin, Royal Hampton

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